

## **REMARKS**

Claims 1, 2, 4-8, 24, 25, 34, 35, 38, 47-51, 53 and 56 will be pending upon entry of the above-made amendments. Claims 3, 26, 27, 52 and 54 have been canceled without prejudice. Claims 28-33 and 40-46 have been canceled without prejudice for being drawn to a non-elected invention.

Applicants gratefully acknowledge the Examiner's indication that claims 24 and 56 are allowed and that claims 4 and 5 are merely objected to and are deemed to be allowable over the art of record.

No new matter has been added.

Applicants reserve their right to prosecute the subject matter of any canceled claim, any amended claim, any withdrawn claim or any other unclaimed subject matter in one or more divisional, continuation or continuation-in-part applications.

### **I. Double Patenting**

Claims 1-3, 6-8, 25, 27, 34, 35, 38 and 47-53 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over copending U.S. application No. 10/395,810 (the "'810 application"). Without acquiescing in the rejection and solely to expedite prosecution of the present application, Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. § 1.321(c) with provision for the required fee (in duplicate). Accordingly, Applicants respectfully submit that the provisional double patenting rejection over the '810 application has been overcome and should be withdrawn.

### **II. The Rejection Under 35 U.S.C. § 103(a)**

Claims 3, 26, 27, 52 and 54 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 4,556,654 to Showalter *et al.*

Without acquiescing in the rejection and solely to expedite prosecution of the present application, claims 3, 26, 27, 52 and 54 have been canceled without prejudice.

Accordingly, Applicants respectfully submit that the rejection of claims 3, 26, 27, 52 and 54 under 35 U.S.C. § 103(a) is now moot and should be withdrawn.

### **III. Objection to claims 4 and 5**

The Examiner has acknowledged that claims 4 and 5 are allowed over the art of record, but claims 4 and 5 remain objected to as being dependent upon a rejected base claim. Applicants respectfully submit that all presently pending claims are in condition for

allowance in view of the above amendments and remarks and that the objection to claims 4 and 5 should be withdrawn.

**IV. Conclusion**

Applicants respectfully submit that all of the pending claims are now in condition for allowance. If the Examiner still disagrees, she is invited to call the undersigned to schedule an interview to resolve any remaining concerns.

It is believed that no fee is due in connection with this Reply other than that in connection with the Terminal Disclaimer; however, in the event any additional fee is required, please charge the required fee to Jones Day Deposit Account No. 50-3013.

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Respectfully submitted,

*Anthony M. Insogna, Reg. No. 35,203*

*By: Michael J. Bruner, Reg. No. 47,458*

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By: Michael J. Bruner (Reg. No. 47,458)

**JONES DAY**

222 East 41st Street

New York, New York 10017

(404) 581-8614

For: Anthony M. Insogna (Reg. No. 35,203)

**JONES DAY**

12750 High Bluff Drive, Suite 300

San Diego, California 92130

(858) 314-1130